

Improvement Res. No. 1339-73

Resolution Adopted:

June 7, 1973

Confirmed:

July 5, 1973

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

August 16, 1973

B.O. 107-73

DECLARATORY RESOLUTION NO.

1339-73

for the opening of a sixty (60) foot wide street
which is the extension of existing Stratford
Road, said extension to be known as Stratford Road.

ADOPTED: June 7, 1973

ADVERTISE NOTICE TO PROPERTY OWNERS: June 14 and 21, 1973

NOTICES MAILED: June 21, 1973

HEARING ON CONFIRMATION: Thurs. July 5, 1973 at 3:30 p.m.

CONFIRMED: July 5, 1973

ASSESSMENT ROLL ORDERED: B. & D. July 5, 1973

ASSESSMENT ROLL APPROVED: July 26, 1973

HEARING ON CONFIRMATION OF ASSM'T ROLL: Thurs. Aug. 16, '73 at
3:30 p.m.

NOTICE SERVED: August 3, 1973

ASSESSMENT ROLL CONFIRMED: August 16, 1973

taken to D. of F.

8/17/73

For the [] - Opening [] of a sixty (60) foot wide street which is the extension of existing Stratford Road, said extension to be known also as Stratford Road.'

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open a sixty (60) foot wide street which is the extension of existing Stratford Road, said extension to be known also as Stratford Road and is more particularly described as follows:

(See attached sheet)

All as shown by a plan of such proposed [] - Opening [] as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said [] Opening [] shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such [] Opening [] described as follows: part of Lot 6, R. L. Britton Estate lying west of Southwood Avenue and north of Roxbury Drive also that area lying west of Stratford Road and north of St. Mary's River being part of Foster Park. Said property is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

opening

The [] of the above described [] street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described opening are situated in the southeast quarter, Section 22, Township 30 North, Range 12 East, and lie wholly within the corporate limits of the City of Fort Wayne, Indiana

ADOPTED THIS

7th

DAY OF

19

73

Attest:

Secretary Board of Public Works.

John D. Brown
Donald J. Bonar

Board of Public Works.

DESCRIPTION OF STREET TO BE OPENED

Commencing at a point on the West line of Stratford Road at a point 476.07 feet South of the center line of Pettit Avenue; thence on a curve to the right, whose Radius is 189.34 feet a distance of 60.15 feet to the point of tangent; thence on the line of tangent a distance of 21 feet; thence on a curve to the left whose Radius is 383.05 feet a distance of 105.71 feet; thence South and parallel to the East line of Lot 7, R. L. Britton Estate a distance of 196 feet; thence East and parallel to the center line of Pettit Avenue a distance of 60 feet to a point on the East line of Lot No. 7, R. L. Britton Estate; thence North along the East line Lot No. 7, R. L. Britton Estate a distance of 308.13 feet; thence West and parallel to the centerline of Pettit Avenue a distance of 30 feet to the West property line of Stratford Road as originally platted; thence North along the West property line of Stratford Road a distance of 66 feet to the point of beginning.

B.O. 107-73

59-299-1

July 5, 1973

STREET ENGINEERING DEPARTMENT

Dec. Res. No. 1339-73 Stratford Road

Confirmed.

Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL

R. L. BONAR

W. G. WILLIAMS

BOARD OF PUBLIC WORKS

ajf

enc. P.O. List



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THE CITY OF FORT WAYNE
board of public works

August 1, 1973

Councilman Winfield Moses
4017 S. Harrison
Ft. Wayne, Indiana 46807

SUBJECT: Public Hearing

Dear Councilman:

Please be advised that the Board has scheduled a public hearing Thursday, August 16, 1973 at 3:30 p.m. concerning the following projects:

Declaratory Res. No. 1343-73 - Condemnation of right of way for street and utility purposes - south side of Tillman Road (Hearing on Confirmation--Continued from June 28, 1973)

✓ Declaratory Res. No. 1339-73 - Opening of Stratford Road (Confirmation of Assessment Roll)

You are invited to attend this public hearing and hear the comments of your constituents regarding the projects. If you have any questions on the projects, please feel free to call.

Sincerely,

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

/bt

cc: Mayor

HOFFMAN, MOPPERT, SOLOMON, MILLER & THOMPSON

ATTORNEYS AT LAW

SUITE 1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

JOHN C. HOFFMAN (1960)

JOHN E. HOFFMAN
EDWARD J. MOPPERT
JAMES R. SOLOMON
LARRY T. MILLER
ROBERT L. THOMPSON
ROBERT J. SCHMOLL, JR.

TELEPHONE 423-3331
AREA CODE 219

April 23, 1973

Mr. John R. Fleck
Attorney-at-Law
825 Anthony Wayne Bank Building
Fort Wayne, Indiana 46802

**RE: Extension of Stratford Road to
Roxbury Drive.**

Dear John:

Pursuant to our conference with Charles Cogdell on April 17, 1973, enclosed is revised petition in duplicate for the opening of Stratford Road to Roxbury Drive to be adopted by the Board of Public Works, to be published in the newspapers and confirmed on final hearing.

You will note we have attached to the petition the contract between the property owners and the Park Board which provides for any improvements of the street, if and when made, to be paid for by the adjoining property owners and not the Park Board.

The adjoining owners do not at this time plan any public improvements. They simply want the right of way officially opened as the parties concerned had thought occurred in 1958 when the Park Board adopted a resolution giving their consent to the dedication of this extension.

JEH:ps

Yours very truly,

John E. Hoffman
John E. Hoffman

CC:
Mr. Charles Cogdell
Attorney-at-Law

425 Lincoln Bank Tower
Fort Wayne, Indiana 46802

Mr. and Mrs. Russell Krauhs
602 East Leith Street
Fort Wayne, Indiana 46806

Mr. Joseph Laudadio
Banks, Mallough, Roth, Inc.
215 East Berry Street
Fort Wayne, Indiana 46802

S part of lot 7

WARRANTY DEED

TRANSCRIBED
E. W. MILLER

11/22/25

THIS INDENTURE WITNESSETH, That David N. Foster,
unmarried and over the age of twenty-one years, and Samuel
P. Foster and Margaret H. Foster, his wife, of Allen County,
in the State of Indiana,

CONVEY AND WARRANT TO: The City of Fort Wayne,
Allen County, Indiana, for and in consideration of One
Dollar (\$1.00), the receipt whereof is hereby acknowledged,
the following described Real Estate in Allen County in the
State of Indiana, to-wit:

A tract of land in the Southeast Quarter of
Section 22, Township Thirty (30) North, Range Twelve
(12) East, described as follows, to-wit:

That portion of Lot numbered Seven (7) of
R. L. Britton Estate as recorded in Surveyor's Record
"B", page 29 of the records of Allen County, described
as follows to-wit:-

Beginning at a point in the East line of said
Lot Numbered Seven (7), situated five hundred forty-two
(542) feet South of the Northeast corner thereof; thence
South along the East line thereof nine hundred forty-
seven and twenty-seven hundredths (947.27) feet to the
Southeast corner thereof; thence West on the South
line thereof a distance of two hundred sixty-five (265)
feet to the East bank of the St. Mary's River; thence
Northwesterly along the East bank of the St. Mary's
River aforesaid following the meanderings thereof to
its point of intersection with the West line thereof;
thence North on the West line of said lot numbered Seven
(7) a distance of two hundred nineteen (219) feet to the
point of intersection of said West line with the North
line of Foster Park as defined and recorded in Deed Record
220, Page 412 of the Records of Allen County; thence
Southeastward by a deflection to the right of one hundred
eleven (111) degrees and fifty-three (53) minutes a dis-
tance of nine hundred sixteen and seventeen hundredths
(916.17) feet; thence Eastward by a deflection to the
left of twenty two (22) degrees and twenty-five and one
half (25 $\frac{1}{2}$) minutes a distance of four hundred ninety-
seven and ninety-six hundredths (497.96) feet to the
point of beginning, containing fifteen and six hundredths
(15.06) acres. Subject to the following provision in deed
from Hilgeman & Schaaf to Grantors:

"The Grantor reserves on, across and under the west
two hundred (200) feet of the land herein described, an easement
for the purpose of constructing and maintaining such lines of
sanitary and storm drains and sewers, together with such bulk-
heads, flood gates, valves, pumping equipment, power lines and

their appurtenances, as may be required to give access to the channel of the St. Mary's River for the disposal of the effluent of a system of septic tanks, which may become a necessary part of the sewerage system of the adjoining drainage district. (Subject to the 1925 taxes, payable in 1926)."

The ground to be an extension of the present line of Foster Park, to be always maintained and used for park purposes and to revert to the grantors if at any time it ceases to be so used.

IN WITNESS WHEREOF the said Grantors have hereunto set their hands and seals this 22nd day of October, 1925.

David N. Foster (SEAL)
Samuel M. Foster (SEAL)
Margaret H. Foster (SEAL)

STATE OF INDIANA: SS
ALLEN COUNTY :

Before me, the undersigned, a Notary Public in and for said County and State this 22nd day of October, 1925 personally appeared the within named David N. Foster, unmarried and over the age of twenty one years, and Samuel M. Foster and Margaret H. Foster, his wife, Grantors in the above conveyance and acknowledged the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Clara C. Rising
Notary Public

My Comm. Exp.

.....

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Hilgeman and Schaaf, an Indiana Corporation, of Allen County, in the State of Indiana, CONVEY AND WARRANT to City of Fort Wayne,

of Allen County, in the State of Indiana for and in consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS, the receipt whereof is hereby acknowledged, the following described Real Estate in Allen County in the State of Indiana, to-wit:

A part of lot numbered 15 in Hanna and Hamilton's Sub-division of Richardville Reserve on the east bank of the St. Mary's River as recorded in deed record "F", page 481-483, of the records of Allen County, Indiana, and described in particular as follows; to-wit: Beginning at a point in the south line of said lot situated 8.5 feet east of the southwest corner thereof; thence north and parallel to the west line of said lot a distance of 140.7 feet to a point situated 165 feet south of the south line of Sherwood Terrace as platted in Section "C" of South Wood Park Addition; thence east by a deflection angle of 90 degrees and 47 minutes a distance of 200 feet; thence southeasterly by a deflection angle of 8 degrees and 55 minutes to the right a distance of 471.4 feet; thence east by a deflection angle to the left of 11 degrees and 32 minutes a distance of 280 feet; thence southeasterly by a deflection angle to the right of 69 degrees and 3 minutes a distance of 54.5 feet to an intersection by the south line of said Hanna and Hamilton's Out Lot 15; thence west on the south line of said lot to the place of beginning.

ALSO, a part of lot numbered 7 of R. L. Britton Estate as recorded in Deed Record "N", page 403 of the records of Allen County, described as follows, to-wit: Beginning at the northwest corner of said lot; thence south along the west line thereof to its intersection by the north line of Foster Park; thence in a southeasterly direction along the north line of said Foster Park a distance of 916 feet; thence east and parallel to the north line of lot 7 along the north line of said Foster Park a distance of 467 feet to a point situated 30 feet west of the east line of said lot 7 of R. L. Britton Estate; thence northward and parallel to the east line of said lot a distance of 80 feet; thence in a northwesterly direction a distance of 204.1 feet to a point within said lot 7 situated 120 feet north of the north line of Foster Park aforesaid; thence northward and parallel to the east line of said lot 7 a distance of 88 feet; thence northward by a deflection angle to the left of 21 degrees and 36 minutes a distance of 360.6 feet to an intersection by the north line of said lot 7 said line being also the south line of lot numbered 15 of Hanna and Hamilton's Subdivision of Richardville Reserve; thence west along the north line of said lot 7 to the place of beginning, containing a total area of 13.16 acres.

~~And I do further declare that the above described property is subject to the following restrictions:~~

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal this 23rd day of January, 1929.

HILGEMAN AND SCHAAF

By Albert H. Schaaf Pres.

By Leonard C. Smith Sec'y.

STATE OF INDIANA, ALLEN COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 23rd day of January, A. D., 1929, personally appeared the within named Hilgeman and Schaaf, an Indiana Corporation, by Albert H. Schaaf, its president, and Leonard C. Smith, its Secretary, Grantor in the above conveyance, and acknowledged the same to be its voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Gertrude Shyle
Notary Public

My commission expires

July 13, 1930

N O T I C E T O P R O P E R T Y O W N E R

Office Board of Public Works
City Hall
Fort Wayne, Indiana.....June 21, 1973.....

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No. 1339-1973..... providing for the

opening of a sixty (60) foot wide street which is the extension of existing Stratford Road, said extension to be known as Stratford Road.

The Board has fixed Thursday, July 5, 1973 at 3:30, Room 920, City-County Bldg. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 8th day of June, 1973 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION NO. 1339-1973

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open a sixty (60) foot wide street which is the extension of existing Stratford Road, said extension to be known also as Stratford Road.

All as shown by a plan of such proposed Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 5th day of July, 1973 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

ATTEST: Edna I. Smith, Clerk

PUBLISH: June 14 and 21, 1973

/bt

Department of Public Works

Office of the Board: Room No. 910 City-County Building

Fort Wayne, Indiana, August 3, 1973.

City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account for the opening of Stratford Road to a width of sixty (60) feet from the south right of way line of Roxbury Drive to a point approximately 310 feet north thereof.

DAMAGES

\$1.00

All in pursuance to Declaratory Resolution No. 1339-1973, adopted by the Board of Public Works of said City, on the 26th day of July, 1973, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at..... 3:30 o'clock P. M., on the
16th.....day of.....August....., 19.73., for the purpose of hearing and
considering any remonstrance which you may desire to present in regard to the amount of your
assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.

1339-1973

NOTICE
OF ASSESSMENT OF BENEFITS
OR AWARD OF DAMAGES

Against

.....

.....

Account Declaratory Res. No. 1339-1973

.....

.....

Served on

.....

by reading and leaving a copy at

.....

No. Street

on the..... day of....., 19.....

Served by

June 28, 1973

Councilman Winfield Moses
4017 S. Harrison
Ft. Wayne, Indiana 46807

RE: Public Hearing

Dear Councilman:

Please be advised that the Board has scheduled a public hearing on Thursday, July 5, 1973 at 3:30 p.m. concerning the following project:

✓ Declaratory Res. No. 1339-73 - Opening of Stratford Road (Hearing on Confirmation)

You are invited to attend this public hearing and hear the comments of your constituents regarding the project. If you have any questions on the project, please feel free to call.

Sincerely,

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

/bt

cc: Mayor

STREET OPENING

RESOLUTION OF THE BOARD OF WORKS
OF
CITY OF FORT WAYNE, INDIANA

WHEREAS, on October 16, 1956, the Board of Park Commissioners of the City of Fort Wayne contracted with adjacent property owners for the dedication of a right-of-way over the Eastern extremity of Foster Park to be used for an extension of Stratford Road to Roxbury Drive, and on October 30, 1958 said Board of Park Commissioners formally adopted a resolution giving their consent to the dedication of said street extension for Stratford Road over the following described real estate:

Commencing at a point on the West line of Stratford Road at a point 476.07 feet south of the center line of Pettit Avenue; thence on a curve to the right, whose Radius is 189.34 feet a distance of 60.15 feet to the point of tangent; thence on the line of tangent a distance of 21 feet; thence on a curve to the left whose Radius is 383.05 feet a distance of 105.71 feet; thence South and parallel to the East line of Lot 7, R. L. Britton Estate a distance of 196 feet; thence East and parallel to the center line of Pettit Avenue a distance of 60 ft. to a point on the East line of Lot No. 7, R. L. Britton Estate; thence North along the East line Lot No. 7, R. L. Britton Estate a distance of 308.13 feet; thence West and parallel to the center line of Pettit Avenue a distance of 30 ft. to the West property line of Stratford Road as originally platted; thence North along the West property line of Stratford Road a distance of 66 feet to the point of beginning.

WHEREAS, Leroy Shine and Frances Shine on August 19, 1958 conveyed the following described real estate to the City of Fort Wayne for said street extension:

Commencing in the East line of Lot No. 7 R. L. Britton Estate 539.2 feet South of the centerline of Pettit Avenue; thence East and parallel to the centerline of Pettit Avenue a distance of 19.5 feet; thence in a South-westerly direction by a deflection angle of 16° 56' to the right a distance of 31 feet,

thence on a curve to the left, whose Radius 323.05 ft., a distance of 89.15 ft., to a point in the East line of said Lot No. 7 R. L. Britton Estate, thence north along the East line of Lot No. 7, R. L. Britton Estate a distance of 115 feet to the place of beginning. This property is being conveyed to the City of Fort Wayne for street purposes.

WHEREAS, since said date the records in the Office of the Engineer of the City of Fort Wayne, Indiana have shown said real estate as being a part of street system of the City of Fort Wayne; and

WHEREAS, there is no record of the Board of Public Works having accepted said real estate for street purposes, or having officially opened said street;

WHEREAS, the adjoining property owners on the East side of said street contracted on October 16, 1956 with the Board of Park Commissioners to pay all expenses for the improvement of said street and that the Board of Park Commissioners who own the real estate subject to said street and on the West side thereof shall not be obligated for any cost of such improvements, (copy of such contract being attached hereto)

NOW, THEREFORE, BE IT RESOLVED that the above described real estate, be opened as a public street for the purpose of extending the right-of-way of Stratford Road to Roxbury Drive, and that publication of notice be made as provided by Statute (Acts 1905, chapter 129, Section 97; Burns Indiana Statutes 48 - 2001).

BOARD OF WORKS OF CITY OF FORT WAYNE,
INDIANA

Dr. Jerry D. Boswell, Chairman

Ronald L. Bonar, Member

William G. Williams, Member

ATTEST:

Edna I. Smith, Clerk

CONTRACT FOR THE DEDICATION OF A RIGHT-OF-WAY
OVER THE EASTERN EXTREMITY OF FOSTER PARK

*****CITY OF FORT WAYNE, INDIANA*****

THIS CONTRACT, made and entered into by and between the CITY OF FORT WAYNE, Allen County, Indiana, a municipal corporation acting by and through its Board of Park Commissioners, herein-after called the "Board", and Irvin I. and Roslyn Weinraub, husband and wife, of Fort Wayne, Indiana, hereinafter called the "Weinraubs", and LeRoy and Frances Shine, husband and wife, of Fort Wayne, Indiana, hereinafter called the "Shines", in consideration for their mutual promises stated herein, do hereby agree as follows:

WITNESSETH

Article I

The Board agrees to dedicate for street purposes only, a right-of-way over the eastern extremity of Foster Park to the CITY OF FORT WAYNE to be used for the extension of Stratford Road to Roxbury Drive.

Article II

The Weinraubs, their heirs, grantees, and assigns covenant and agree to withdraw their petition now pending before the Board of Public Works for the vacation of Roxbury Drive and covenant and agree to never again institute a vacation proceeding of Roxbury Drive before said Board of Public Works, in the Circuit Court of Allen County, or elsewhere.

Article III

The Shines, their heirs, grantees, and assigns, covenant and agree never to institute a vacation proceeding of Roxbury Drive before said Board of Public Works, in the Circuit Court of Allen County, or elsewhere, and further agree to dedicate such portion of their property as is needed to effect the extension of Stratford Road to Roxbury Drive.

Article IV

All expense for improvement of Stratford Road, as extended, shall be borne by the Weinraubs and the Shines, it being expressly understood and agreed that the Board shall never pay any portion of any cost of improvement of Stratford Road.

IN WITNESS WHEREOF the parties hereto have set their hands and seals this 16th day of October, 1956.

BOARD OF PARK COMMISSIONERS
OF THE CITY OF FORT WAYNE, INDIANA.

Irvin I. Weinraub

(SEAL)

ATTEST:

Mark A. Hobbs
Secretary

Approved as to Form & Legality

Ronald J. Steutz
Associate City Attorney

Irvin I. Weinraub

Irvin I. Weinraub

Roslyn I. Weinraub

Roslyn I. Weinraub

LeRoy Shine

LeRoy Shine

Frances Shine

Frances Shine

STATE OF INDIANA:
:SS:
COUNTY OF ALLEN :

Before me, the undersigned, a notary public in and for said county and state, this 16th day of October, 1956, personally appeared Irvin I. Weinraub and Roslyn Weinraub, husband and wife, and LeRoy Shine and Frances Shine, husband and wife, and acknowledged the execution of the above contract to be their voluntary act and deed.

My commission expires

May 21, 1957

Jean Rippie nee Bilyeu

Notary Public

HOFFMAN, MOPPERT, SOLOMON, MILLER & THOMPSON
ATTORNEYS AT LAW

JOHN E. HOFFMAN
EDWARD J. MOPPERT
JAMES R. SOLOMON
LARRY T. MILLER
ROBERT L. THOMPSON
ROBERT J. SCHMOLL, JR.

SUITE 1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

May 30, 1973

NOTED
 J.D.B.
 R.L.B.
JOHN C. HOFFMAN 1980
W.G.W
Date _____
TELEPHONE 423-3331
AREA CODE 219

Dr. Jerry Boswell
Board of Works
City-County Building
Fort Wayne, Indiana 46802

RE: Opening of Stratford Road a distance of
approximately 250 feet from present
terminus to Roxbury Drive.

Dear Jerry:

Pursuant to our recent conference, enclosed is petition to the Board of Works signed by nine property owners on Stratford Road located immediately North of the proposed extension and six property owners on Southwood Avenue at the South end thereof, expressing their opposition to the improvement or pavement of said extension of Stratford Road and to the improvement or pavement of Roxbury Drive from said extension to Southwood for the reasons stated.

Mr. and Mrs. Russell Krauhs, who are purchasing the property at the Northeast corner of the proposed extension of Stratford and Roxbury, have agreed to maintain said adjacent rights of way, keep them mowed and free of trash and rubble, etc.

Will you, therefore, please process the street opening resolution which we have presented to the Board by the adoption of said resolution and the preparation of notice as required by Statute (Burns 48-2001).

If there is any further question about this matter, would you please let me know.

JEH:ps
Enc.
CC:
Mr. and Mrs. Russell Krauhs
602 East Leith Street
Fort Wayne, Indiana 46806

Yours very truly,


John E. Hoffman

Mr. Joseph Laudadio
Banks, Mallough & Roth, Inc.
215 East Berry Street
Fort Wayne, Indiana 46802



May 25, 1973

TO: Board of Public Works
City of Fort Wayne

RE: Pavement of Stratford Road
Extended and Roxbury Drive

WHEREAS, the Board of Works of the City of Fort Wayne now has under consideration the opening of Stratford Road from its present terminus to Roxbury Drive (as originally planned and laid out in the year 1958).

WHEREAS, question has arisen as to the pavement of said extension of Stratford Road and of the pavement of Roxbury Drive from said extension to Southwood Drive, both of which rights of way are now totally unimproved, and the Board of Works has requested an expression from adjoining property owners on Southwood Drive and Stratford Road as to said paving.

NOW, THEREFORE, the undersigned owners of property on Southwood Drive and Stratford Road herewith express their opposition to the pavement of Roxbury Drive and to said extension of Stratford Road, for the following reasons, namely:

1. The pavement of said streets is unnecessary for ingress and egress to the area;
2. If said streets are paved, said pavement will destroy the natural beauty of the area;
3. There is no necessity for the pavement of said streets;
4. If said streets are paved, it is felt they may create a "raceway" for using Foster Park.

Property Owners

Address

Dr. & Mrs. Wm C. Lyon

5005 Stratford Rd. Ft. Wayne

Alfred Faeh and Blenda Faeh

5003 Stratford Rd. Ft. Wayne, IN.

Marvin W. Wally

4936 Stratford Rd. Ft. Wayne

Mr. & Mrs. Alton Sherry

4922 Stratford Rd. Ft. Wayne

Mr. & Mrs. Jack Corrigan

4919 Stratford Rd. Ft. Wayne

Mr. & Mrs. Robert Spittal

4902 Stratford Rd. Ft. I

Property Owners

Address

Jack Greene

4938 Southwood Ave

Ed Schuler

4930 Southwood Ave

Mrs. Verner H. Stromberg

5023 Southwood Ave

Mrs. Martin J. Dicker

4923 Stratford Rd

Mr & Mrs Nat Sheay

5010 Southwood Ave

Mr & Mrs John Schmidt

5020 Southwood Ave

Mr & Mrs John Heim

4939 Stratford Rd

Mr & Mrs B E Blawie

5015 Southwood Ave

Hammond & Hunter, Jr.

4909 Stratford Rd

BOARD OF PUBLIC WORKS

RECEIVED
MAR 30 1973

COPIES TO:

NOTED

- J.D.B.
- R.L.B.
- W.G.W.

Date

House Memorandum

To Board of Public Works

Date March 30, 1973

From Kenneth N. Traylor, Street Engineer

Subject Stratford Road Opening - Dec. Res. No. 1339-1973

Declaratory Resolution No. 1339-1973 which provides for the opening of Stratford Road from the intersection at Roxbury Drive to a point approximately 310 feet north is attached.

This opening was requested by Attorney Charles Cogdell on behalf of his client to clear controversy concerning the legal existence of this portion of Stratford Road.

This department prepared a waiver for public hearing to expedite the proceedings. However, Mr. Cogdell was unable to secure the necessary signatures, and is therefore requesting the regular public hearing be set and normal process followed.

Kenneth N. Traylor

Kenneth N. Traylor
Street Engineer

lc
attachs.

See you Haley and give this hearing date

Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent linesHead number of lines 1Body number of lines 27Tail number of lines 5Total number of lines in notice 33

COMPUTATION OF CHARGES

33 lines, columns wide equals equivalent lines at 288¢...
cents per line \$ 9.50

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 0.50

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type 5 1/2 pointNumber of insertions 2 Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date June 25, 1973

Title.....Clerk.....

PUBLISHER'S AFFIDAVIT

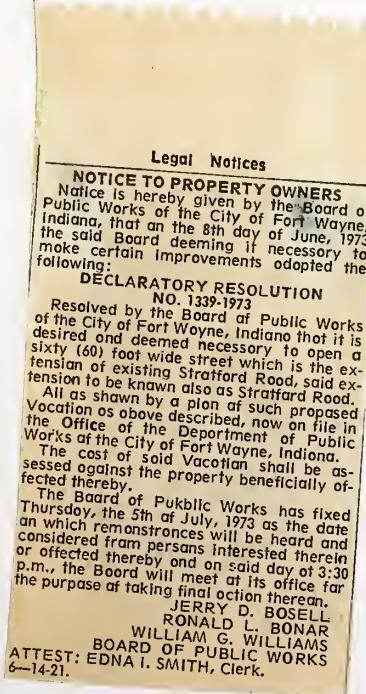
State of Indiana } ss:
ALLEN County }Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

June 14, 1973

June 21, 1973

*A. M. Hostman*Subscribed and sworn to before me this 25th day of June 1973*James C. Pender*

Notary Public

My commission expires October 25, 1975

Claim No. Warrant No.

IN FAVOR OF

\$.....

On Account of Appropriation for

Appropriation No.

Allowed 19.....

In the sum of \$.....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
} Incorrect

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points)			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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— number of equivalent lines

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Body	number of lines	27
Tail	number of lines	5
Total number of lines in notice		33

COMPUTATION OF CHARGES

33 lines, columns wide equals equivalent lines at .. 288¢ .. cents per line \$ 9.50

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 9.50

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date June 25, 1973

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

June 14, 1973

June 21, 1973

A. M. Hostman

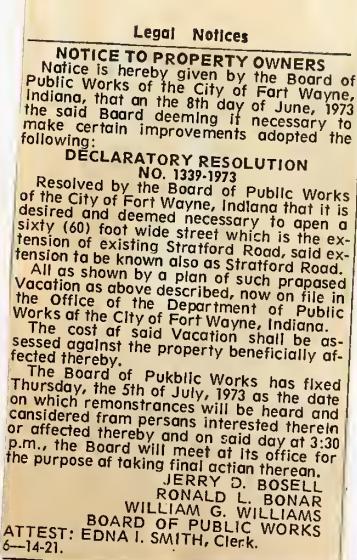
Subscribed and sworn to before me this 25th day of June 1973

James C. Polansky

Notary Public

October 3, 1975

My commission expires



Claim No. Warrant No.

IN FAVOR OF

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is apparently } Correct
Incorrect

On Account of Appropriation for

Appropriation No.

Allowed

In the sum of \$

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Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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Total number of lines in notice		33

COMPUTATION OF CHARGES

33	lines, columns wide equals	equivalent lines at 288¢	\$.50
		cents per line	

Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
---	--

Charge for extra proofs of publication (50 cents for each proof in excess of two)	
---	--

TOTAL AMOUNT OF CLAIM	\$.50
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DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type $5\frac{1}{2}$ point
-------------------------------	-----------------------------------

Number of insertions 2	Size of quad upon which type is cast $5\frac{1}{2}$
------------------------	---

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date June 25, 1973

Title CLERK



PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned LARRY E. GERKEN who, being duly sworn, says that he is CLERK of the JOURNAL-GAZETTE.

a DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

June 14, 1973

June 21, 1973

Subscribed and sworn to before me this 25th day of June 19 73

Notary Public
My commission expires October 25, 1975

NOTICE TO PROPERTY OWNERS
Notice is hereby given to the Board of Public Works of the City of Fort Wayne, Indiana, that on the 8th day of June, 1973 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION
NO. 1339-1973

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana that it is desired and deemed necessary to open a sixty (60) foot wide street which is the extension of existing Stratford Road, said extension to be known also as Stratford Road.

All as shown by a plan of such proposed vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 5th of July, 1973 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

JERRY D. BOSELL
RONALD L. BONAR
WILLIAM G. WILLIAMS
BOARD OF PUBLIC WORKS
ATTEST: EDNA I. SMITH, Clerk.
5-14-21.

Claim No. Warrant No.

IN FAVOR OF

\$

On Account of Appropriation for

Appropriation No.

Allowed , 19

In the sum of \$

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

I have examined the within claim and hereby certify as follows:
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That it is duly authenticated as required by law.
That it is apparently { Correct
{ Incorrect

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Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

33	lines, columns wide equals	equivalent lines at <u>288¢</u>	<u>\$ 9.50</u>
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Date June 25, 1973Title CLERK*Larry E. Gerken*

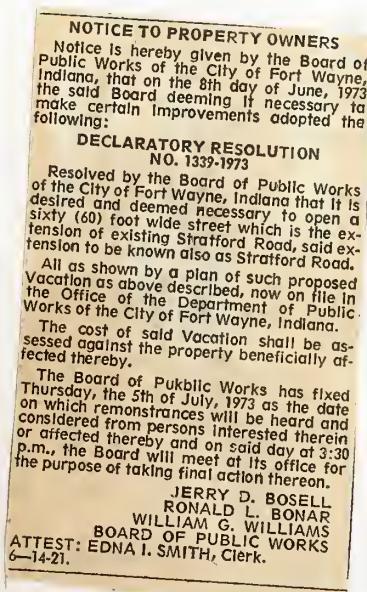
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State of Indiana } ss:
ALLEN County }Personally appeared before me, a notary public in and for said county and state, the undersigned LARRY E. GERKEN who, being duly sworn, says that he is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:June 14, 1973June 21, 1973*Larry E. Gerken*Subscribed and sworn to before me this 25th day of June 1973Elmer C. Rosember
Notary PublicOctober 25, 1975

My commission expires



Claim No..... Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
} Incorrect

\$.....

On Account of Appropriation for

Appropriation No.....

Allowed....., 19.....

In the sum of \$.....

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9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

HOFFMAN, MOPPERT, SOLOMON, MILLER & THOMPSON

ATTORNEYS AT LAW

SUITE 1212 ANTHONY WAYNE BANK BUILDING

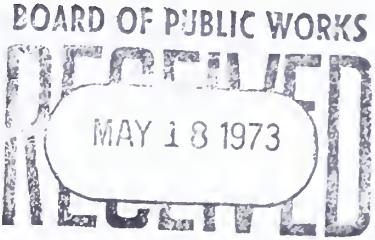
FORT WAYNE, INDIANA 46802

JOHN E. HOFFMAN
EDWARD J. MOPPERT
JAMES R. SOLOMON
LARRY T. MILLER
ROBERT L. THOMPSON
ROBERT J. SCHMOLL, JR.

JOHN C. HOFFMAN (1960)

TELEPHONE 423-3331
AREA CODE 219

May 18, 1973



Dr. Jerry Boswell
Board of Works
City-County Building
Fort Wayne, Indiana 46801

RE: Opening of Stratford Road a distance
of approximately 250 feet from pre-
sent terminus to Roxbury Drive.

Dear Jerry:

Pursuant to our recent telephone conference, enclosed is a diagram of the existing street and houses affected by the above proposal, including an existing crushed stone private drive over the North part of the section of the street to be opened.

Also in the file are pictures taken from the various points shown on the diagram.

This diagram and the pictures were taken by Realtor Joseph Laudadio.

It is my understanding that you may want to review the enclosure and may want to look at the site before our scheduled meeting on Wednesday, May 23, 1973, at 10:00 a.m.

The property owners involved only want the right-of-way for the street opened officially to confirm the proceedings that were started back in 1955 so that they have a legal right-of-way entrance to their property from Stratford.

They are opposed to improving the right-of-way to city standards, as they feel it is dead-end and would serve no legitimate purpose.

JEH:ps
Enc.

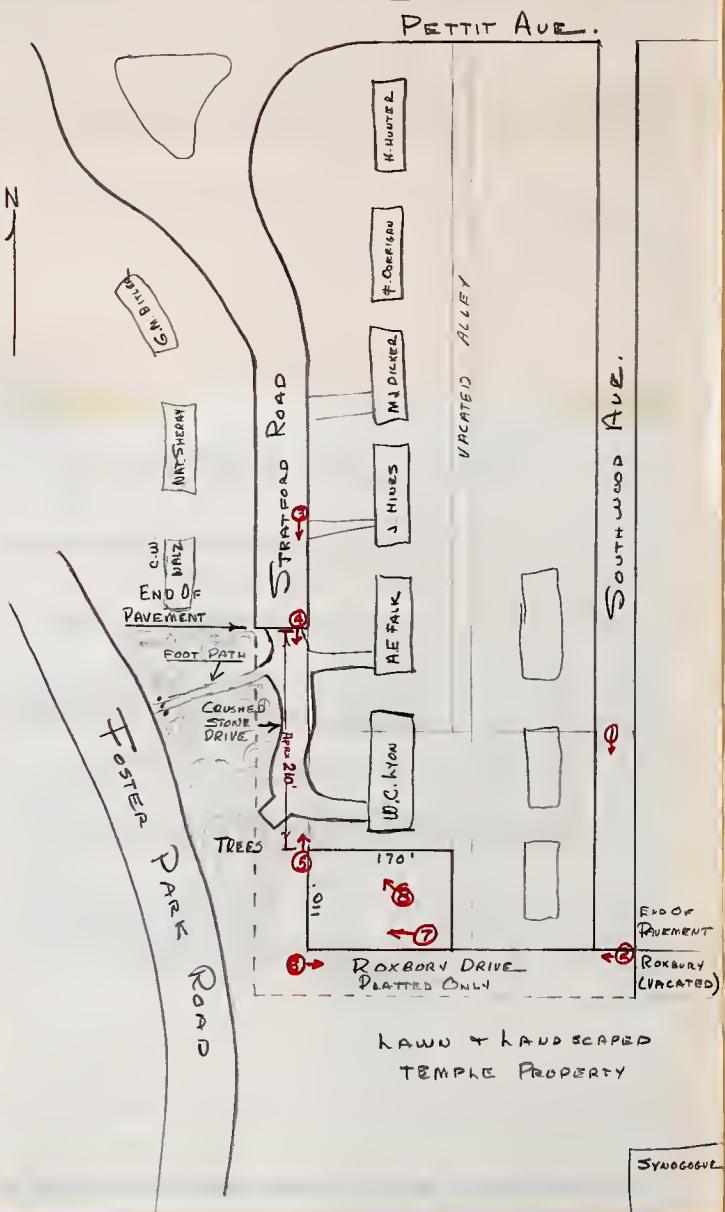
Yours very truly,

John E. Hoffman
John E. Hoffman

SYSTEMS DIVISION
ART METAL, INC.
JAMESTOWN, N. Y.
WABASH NO. 523

—
Opening of Stratford Road
to Roxbury Drive
—

KRAUS



Looking NW from SE
Corner of lot - Corner
of Lyons home at Right

From SE corner of lot
Looking NW. Note
Foster Park Rd

Looking East from SW
Corner of lot on
Platted area known
as Raspberry St.

Looking North from NW
Corner of lot - Note
Corner stake & stone
fence

Looking South from end of
Stratford Pavement - narrow
Path at right goes to Foster
Park road

South on Stratford - note
stone lane and grove of
trees

View from End of Tunnel
Lane - Foster Park Rd

South on Foster Park Rd

UDIO, Inc
go, Illinois

CITY OF FORT WAYNE

S.E. 1/4 SEC.22 WAYNE TWP.

SCALE : 200 FT. TO 1 INCH T.30N R.12E. OF THE 2nd. PM
SEE PAGE 30-12-22A

BROADWAY

60

HARTMAN

H.A. & HV Dominy
600A

606A

W.W. & W.M. Solorio
2A.

35

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Pt. Lt. 7

Foster



pt Lt b
pr 924

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EXCLUSIVE LISTING CONTRACT

Listing Office	Phone	Salesman	Phone
Owner	Phone	Tenant	Phone
Legal			



MULTIPLE LISTING
ASSOCIATION
OF FORT WAYNE, INC.

LISTING NO.	ADDRESS	TYPE PROPERTY	ROOMS 1st 2nd	BEDROOMS 1st 2nd	BATHS 1st 2nd	LOCATION	PRICE
							\$

In consideration of your listing for sale and undertaking to find a purchaser for the real estate described above, on terms noted above or other satisfactory terms, I or we hereby grant and give to _____ (company)

the exclusive right and authority to sell or exchange the same for a period from _____, 19____, to _____,

19____, for the price of \$ _____ and also grant and give you authority to place the property listed herein with the Multiple Listing Association of Fort Wayne, Inc., upon the specific understanding that no contractual relationship shall be created between said Multiple Listing Association of Fort Wayne, Inc., and the undersigned owner by reason of placing the property with Multiple Listing Association of Fort Wayne, Inc. I or we further represent that no other exclusive agreement is now in force with any other broker.

In the event you find a purchaser ready, willing and able to buy said real estate, or should said real estate be sold by or through you, ourselves or otherwise, during said time for the price and upon the terms named above or for any other price or terms, or consideration acceptable to me or us, I or we hereby agree to pay you for your services a sum equal to _____ % of the sum for which said property is sold or exchanged, but not less than \$ _____ if improved realty and you are hereby authorized to accept an earnest money deposit with any offer to purchase said real estate. Said deposit may be retained by you until settlement is made. Should purchaser fail to complete said purchase, said earnest money deposit shall be applied first to your advertising and other expense and the balance shall be divided equally between us.

It is agreed that you, or your representatives, and all prospective purchasers shall at all reasonable times have access to said premises and appurtenances located thereon for the purpose of inspecting and showing the same. I or we agree the price stated herein includes all mortgages, unpaid special assessments and any balances due for furnaces, or miscellaneous equipment now on or attached to premises.

If said real estate is sold or exchanged within 90 days after the expiration of the term of this agreement to any person, firm or corporation with whom during the exclusive period of this listing you, your representatives or myself or ourselves had negotiations relative to the purchase of said property for said price stated herein or for a price and upon terms acceptable to me or us, I or we agree to pay you for your services a sum equal to _____ % of the gross sales or exchange price thereof, provided, however, that this extension clause shall not be applicable and binding during the term said real estate is listed with some other licensed Broker under an exclusive listing contract. This contract is enforceable without relief from valuation and appraisal laws and with attorneys fees.

I or we also agree to furnish a complete abstract of title showing a good and merchantable title to said real estate, or a Title Insurance Policy for the sale price of said real estate, and a current survey (dated within 90 days of closing) which shall locate the corners, show all encroachments and locate the improvements thereon showing their distance from the boundaries. I or we also agree to deliver a good and sufficient warranty deed or land contract for the same to whom you direct. To induce you to enter into and accept this contract I or we hereby warrant that the undersigned is or are the sole and only owner or owners of the property above described and that the within mentioned encumbrances are the only and all encumbrances against said above described property. I or we further represent that the statements hereof are made by me or us and that the same are true and are a part of this agreement. I or we have read the foregoing contract and thoroughly understand the contents thereof, and have received a duplicate thereof, and agree to give possession on or before _____ days after final closing of transaction. You are hereby authorized to put a "FOR SALE" sign on said real estate. This contract is binding also upon my or our heirs, administrators, executors or assigns.

Signed this _____ day of _____, 19_____.

Owner _____ Owner _____

Street _____ City _____ Telephone _____

The undersigned accepts this authority to sell and agrees to the terms of said contract this _____ day of _____, 19_____.

BROKER _____ By _____
(Agent)

Resolution No. 1339 1973 For OPENING STRATFORD ROAD SIXTY (60) FEET

W/JOE FROM THE SOUTH RIGHT-OF-WAY LINE OF ROXBURY DRIVE TO A POINT APPROXIMATELY 310 FEET NORTH THEREOF

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	LYON, WILLIAM C. & HURLEY, C. LORA	5005 STRATFORD RD.	PART OF	LOT 6,	R. L. BRITTON ESTATE, BEING THE SOUTH 140.5 FEET OF THE WEST 170 FEET OF THE AREA WEST OF SOUTHWOOD AVE. AND NORTH OF ROXBURY DRIVE	
2	O'REILLY, J. THOMAS & REGINA M.	2531 CAROLINE ST.	PART OF	LOT 6.	R. L. BRITTON ESTATE, BEING THE SOUTH 110.5 FEET OF THE WEST 170 FEET OF THE AREA WEST OF SOUTHWOOD AVE. AND NORTH OF ROXBURY DRIVE	
3	FALK, ALFRED E. & RHODA G.	5003 STRATFORD RD.	10			SOUTHWOOD PARK ADD., SECT. G.
4						
5						
6						
7						
8						
9						
10						
11	BOARD OF PARK COMMISSIONER - CITY OF FORT WAYNE CITY-COUNTY BLDG. RM. 820		PART OF	S.E. 1/4	SECT. 22-30-12 LYING WEST OF STRATFORD RD. AND NORTH OF ST. MARYS RIVER, BEING PART OF FOSTER PARK	
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39	NOTICES MAILED OR SERVED					
40		6-21-73				
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42	By	BX				
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• 1339-73 •